

Appn No. 10/815640
Amdt. Dated: October 27, 2006
Response to Office Action of August 30, 2006

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REMARKS/ARGUMENTS

The Applicant thanks the Examiner for the Office Action dated August 30, 2006.

Claim Rejections - 35 USC § 103(a)

In the most recent Office Action, the Examiner admits that Earl fails to teach the claim feature of "allocating and recording a unique reply code for the transmitted information, said reply code having a predetermined maximum number of reply transmissions associated therewith".

The Examiner then goes on to argue that this feature can be found in Nalder and the combined teachings of Earl and Nalder would have obviously led the skilled person to arrive at the present invention.

In the Applicant's submission, it would take an adventurous extrapolation (to say the least) of what is taught by Earl and Nalder to arrive at this conclusion. Moreover, the Applicant is unable to see how the combined teachings of these documents would *a priori* have enabled the skilled person to arrive at the present invention.

It is accepted that Earl teaches a Build and Transmit Score Report 84. An obvious use of Earl's Build and Transmit Score Report 84 would be to keep a count of the number of faxes sent for the purposes of tracking cost, restocking fax paper etc. Earl makes no suggestion of limiting the number of faxes sent. The Examiner appears to have drawn this teaching from Earl by combining it with what is taught by the present invention. This is not an acceptable approach to examination of obviousness. The Applicant does not accept that it would be part of the skilled person's common general knowledge to use Earl's Build and Transmit Score Report 84 for the purposes of limiting the number of faxes sent to a predetermined number. Earl's report is for the purposes of *reporting* information to a user, not for modifying the operation of Earl's fax machine. There is a clear difference between merely reporting information and modifying a machine's operation. At no point does Earl suggest *modifying the operation of his fax machine*, in accordance with the modification taught by the present invention. Neither can this suggestion be found anywhere else in the prior art.

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As regards Nalder, the Examiner has apparently asserted that marking the reply input field 114 of Nalder reads onto "allocating and recoring a unique reply code, said reply code having a predetermined maximum number of transmissions associated therewith". The Applicant disagrees for the following reasons.

In the first place, the reply input field 114 is not a "unique reply code" – it is merely a box to be marked by the user. In the second place, the reply input field 114 of Nalder is used to indicate whether the reply should be sent to the originator, or whether it should be sent to some other recipient to be specified by the user. This is made unambiguously clear by the passage at column 4, lines 54-59 of Nalder:

Step 52 comprises detecting whether the reply input field 114 has been marked. If it has, a step 54 is performed of transmitting the annotated message to the message originator identified by the origin identifier. If it has not, the recipient is specified in some other way ...

Hence, the only thing associated with Nalder's reply input field 114 is the address of the message originator. Nalder's reply input field does not have "a predetermined maximum number of transmissions associated therewith".

In summary, the prior art fails teach the essential elements of the present invention, either alone or in combination. Accordingly, it is submitted that present invention is not obvious in view of the combination of Earl and Nalder.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

Applicant/s:



Paul Lapstun

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